

Reviews of American Sāmoa, French Polynesia, Niue, Tokelau, Tonga, and Tuvalu are not included in this issue.

#### COOK ISLANDS

The period under review was characterized by a worrying decline in population, regression in the ordinary Cook Islander's purchasing power, lack of confidence in members of Parliament and cabinet, continued public pressure for political reform, and a general deterioration in work and leadership ethics. Land controversies and government-created jobs engrossed the attention of leaders, a few of whom tended to abuse their status in order to advance family interests. Ironically, while foreign workers entered the country to take up promised employment, the local population declined, primarily due to lack of employment. Even as many locals expressed deep concern at the sudden surge of new immigrants, especially from Asia (Thailand, Philippines, India, and Pakistan, in particular), Prime Minister Dr Robert Woon-ton declared that locals must be able to adapt to change. He argued that "new immigrants are a natural outgrowth of a developing nation" (informal statement to students from Brigham Young University, Hawai'i, visiting Rarotonga, June 2003).

The review period began with former Cook Islands High Commissioner to New Zealand Wilkie Rasmussen winning a by-election in Penrhyn against standing member and former

Police Commissioner Tepure Tapaitau in July 2002. Only seven votes separated the two as Rasmussen won with a total of 112 votes (*CIN*, 2 Jul 2002, 1). The period ended with the unexpected death of Maria Heather, member of Parliament for Ruauu, who died suddenly in June 2003 after a short illness. This created the need for a by-election only months before an expected general election. In between the two by-elections, the controversy over cabinet size and membership persisted. By July 2002, government was pushing for an extra minister for cabinet, increasing the numbers to seven (*CIN*, 13 Jul 2002, 1). Although the government remained undeterred by the NZ\$158,000 estimated cost for this move, there was resistance from the general public (*CIN*, 30 Oct 2002, 1).

While Prime Minister Woon-ton was heavily criticized for taking his spouse on long, expensive, overseas trips (*CIN*, 26 Jul 2002, 1), members of Parliament in general were accused of "not giving their constituencies value for money" and were occasionally pressured to vacate (*CIN*, 26 Oct 2002, 1). Constant cabinet reshuffles and rumors of reshuffles added fuel to the fire. In November 2002 Cabinet Minister Norman George was sacked—again (*CIN*, 8 Nov 2002, 1). Soon after, rumors emerged of a new coalition government, the sixth since the 1999 general election (*CIN*, 12 Nov 2002, 1). Within a month, the portfolios were reshuffled again (*CIN*, 22

Nov 2002, 1). Then three months later, at the end of January 2003, Tangata Vavia and Terepai Maoate were sworn in as new government ministers, while Sir Geoffrey Henry and Tom Marsters were sacked by Prime Minister Woonton (*CIN*, 31 Jan 2003, 1).

An increasingly vocal group of citizens for political change—known as the GPC—gained momentum as a result of constant government changes and perceived inefficiency. They called for an early election (*CIN*, 10 Dec 2002, 1), and pushed for political reform on behalf of many concerned citizens (*CIN*, 12 Nov 2002, 1). Some 2,000 people signed a petition calling for change (*CIN*, 29 Mar 2003, 1), including the abolishment of the overseas seat in Parliament. However, it was generally understood that this would reduce the total seats to an even twenty-four, increasing the possibility of a hung parliament. Subsequently, there was also pressure to eliminate the constituency of Tamarua in Mangaia Island, which has the smallest population of any constituency in the country.

By June 2003, only the overseas seat had been abolished, with advocates arguing that those who leave the Cook Islands no longer pay taxes. The legitimate argument that Cook Islanders overseas contribute far more to the Cook Islands than the cost of maintaining the seat was lost in the general furor over a variety of MP actions that have been perceived negatively by most Cook Islands voters (*CIN*, 15 Nov 2002, 1).

Members of Parliament completed much of their work in irregular sessions that often went unnoticed by

most Cook Islanders. They made several amendments (concerning appropriations, the constitution, value-added tax, income tax, industrial labor, criminal procedure, international companies, and crimes) as well as new laws (concerning the Māori language, a UN Security Council resolution, banking, extradition, mutual assistance in criminal matters, financial transaction reporting, the Financial Supervisory Commission, and the proceeds of crimes). While much of the political focus was on the cabinet, a number of other interesting, politically charged incidents occurred. Tahitian fisherman Raioaoa Tauae drifted in his boat for over five months and ended up on the island of Aitutaki on 10 July 2002. His harrowing experience at sea received much attention, including from French Polynesia President Gaston Flosse and his opponent, Oscar Temaru, leader of the pro-independence Tavini Hui- raatira party. Back in Tahiti, questions arose regarding why information about Tauae's disappearance had not been relayed to neighboring countries. He had been spotted by Cook Islands pilots over several days and could have been rescued earlier (*CIN*, 18 Jul 2002, 1).

During the year, Teariki Heather, a successful Rarotonga businessman, launched the Cook Islands National party and appointed himself as its leader (*CIN*, 24 Mar 2003, 1). Heather hoped that his new third party, modeled after a major party of the same name in New Zealand, could topple many old-time members of the Cook Islands party and the Democratic party. The National party's first test will be the 2004 elections.

In January 2003, Cook Islands Prime Minister Dr Woonton warned the country of the need to be prepared for the adverse effects of any outbreak of war between the United States–United Kingdom and Iraq (*CIN*, 31 Jan 2003, 5). The greatest concern for government and private sectors was that the war would lead to a major reduction in tourists to the Cook Islands. However, tourist numbers were affected only slightly. A total of 72,781 visitors were recorded in 2002, slightly lower than the 2001 total of 74,575. Although US and UK visitors dropped by 14 percent compared to the previous year, overall European visitors still topped 19,600. The largest number of visitors to the Cook Islands came from New Zealand, with a 34 percent share, or 24,932 people (*CIN*, 11 Feb 2003, 1). The steady tourism figures enticed Royal Tonga Airlines to express interest in becoming a carrier into the Cook Islands with possible flights from Auckland to Rarotonga (*CIN*, 26 Jun 2003, 1).

Interest in the failed five-star Vaima'anga Hotel (formerly the Sheraton Hotel project) continued as tourism operators realized that the maintenance of a reliable air carrier service was tied directly to hotel accommodation. Evan Smith, president of the Cook Islands Chamber of Commerce, and Don Beer, Jr, chair of the Tourism Board, both pointed out that completing the Vaima'anga Hotel was a priority in developing the country's economy as well as in attracting foreign investment. Beer commented that the Cook Islands "need it to give comfort to the airline industry" (*CIN*, 14 Jun 2002, 1). However, efforts to restart the infamous project by both the

Covington group and the New Zealand-based Cook Islands developer Tim Tepaki ran into difficulties (*CIN*, 11 Jun 2002, 1). In June 2002, Deputy Prime Minister Sir Geoffrey A Henry suggested that the Tepaki deal was better than the one proposed by the Covington group (*CIN*, 12 Jun 2002, 1). But succeeding deputy prime ministers were not so convinced, and a lease was approved in favor of the Covington group (*CIN*, 15 Jun 2002, 1). Meanwhile, a massive debt associated with the original project is still owed to the Italian government. The Cook Islands government's hopes that the debt could be settled with as little as NZ\$25 million up front appear to have been dashed.

A major project to develop a marina business complex including tourist accommodation at Avana on the eastern side of Rarotonga continued to be promoted by some politicians and private-sector developers, although it had already been rejected by the Environment Council and the landowners. Factors of concern included impact on the community, the construction of septic tanks on the foreshore and artificial islets, and the deepening of the lagoon. Landowners were strongly opposed to the project (*CIN*, 13 Jun 2002, 1). Local traditional leader Manavaroa Mataiapo George Nicholas expressed trepidation at the general impact of tourism development on traditional fishing rights, and on fish, shellfish, and bêche-de-mer (pers comm, 18 Jun 2003). The controversy highlighted underlying concerns about the rapid pace of development and its implications for a balanced approach to environmental management. Many Cook Islanders even opposed an environ-

ment bill, citing conflict with basic land rights, traditional practices, and fundamental human rights protected by the Cook Islands Constitution (CIN, 11 Jun 2002, 5).

Land and property problems are also linked directly to the push for development. According to a local resident, information published in the classified section of the *Cook Islands News* indicated that large areas of land on Rarotonga have been subjected to mortgage sales by commercial banks. The resident also suggested that commercial banks had been putting undue pressure on local borrowers, perhaps in an effort to alienate land (CIN, 1 Jun 2002, 4). As the gap between the rich and the poor in the Cook Islands rapidly widens, excessive charges for access to land records at the Justice Department (a fee of one dollar a page for each photocopy requested), bureaucratic demarcation of required papers, and the pressure to hire lawyers for even simple land cases all contribute to a system that favors the wealthy.

Underlying conflicts have also developed between some church leaders and landowners. The new pastor of the Avarua Cook Islands Christian Church, the first Christian church built in Rarotonga after Christianity was introduced on the island in 1823, continued a policy of using a bulldozer to knock down old gravestones. Enraged landowners and descendants of those buried in the graves expressed anger at the action. One landowner took the pastor and other deacons to court—the first such action in the nation's history (CIN, 15 Nov 2002, 1; 16 Nov 2002, 1; 11 Jan 2003, 1; 13 Jan 2003, 4). Unapologetic, the pastor has claimed legal rights and

the need to beautify church grounds. At the time of this writing, the matter remained unsettled.

Agriculture officials have noted some evidence on Rarotonga of the presence of the rhinoceros beetle, which has caused disastrous damage to coconut trees in some neighboring island groups (CIN, 19 Dec 2002, 1). While the threat looms over coconut trees, agriculture production continues to focus on juice from the nono or noni, a type of tree (*Morinda citrifolia*, designated for the world market); papaya (usually exported to New Zealand); maire or maile, a scented fern (*Alyxia olivaeformis*, for the Hawai'i market); and other vegetable or root crops for the local market.

The fishing industry continued to grow with the latest addition of a long-liner, *Mahr-Leena* (CIN, 10 Jun 2002, 1). Most fish were exported to either American Samoa or Japan. New Zealand fishing giant Sealords explored the possibility of setting up business in the Cook Islands, "working in alliance with the local fishing industry by purchasing excess and sourcing markets" (CIN, 22 Jun 2002, 1). The government eventually approved licenses for two Sealords purse seiners to operate in Cook Islands waters (CIN, 30 Nov 2002, 1). The country's huge exclusive economic zone continued to attract both legal and illegal operators. During 2002–2003 Taiwanese fishing vessel *Shang Yih #6* was caught fishing illegally in Cook Islands waters. The owners eventually pleaded guilty to the charges (CIN, 7 Jan 2003, 1; 22 Jan 2003, 1).

Pearl farming continued to be the country's second largest income-earner after tourism, although undercutting

of prices by producers in Tahiti caused some problems for Cook Islands farmers. The introduction of a value-added tax was perceived by farmers as a negative influence on the industry because it discouraged technicians from returning to the Cook Islands (CIN, 18 Jul 2002, 1). A few farmers continued to be involved in setting up farms in other parts of the Pacific. New pearl-marketing operators set up shop in Rarotonga as pearls continued to attract tourists.

As of 30 June 2002, Cook Islands government debt was estimated to be NZ\$126.9 million (CIN, 16 Aug 2002, 1). The 2002–2003 budgetary appropriation included NZ\$1,379,000 for the Ministry of Agriculture, NZ\$400,000 for Environment Protection fund, and NZ\$100,000 to set up the Money Laundering Authority. Agriculture funding included a focus on hydroponics for the outer islands, livestock production, and a papaya industry (CIN, 10 Aug 2002, 1).

Controversy continued regarding the ban on the public release of parliamentary travel details. The Civil List, which pays out travel and allowances mainly to government members of Parliament, received a total appropriation of NZ\$2,339,400 for 2002–2003, an increase of NZ\$5,111 over the previous year (CIN, 10 Aug 2002, 1).

The light at the end of the tunnel for Cook Islands developmental activities seemed to depend on outside aid. During the year, the United Nations Development Program announced the second stage of its aid program to the Cook Islands. Already four years into the project, a sum of NZ\$350,000 was projected for a biodiversity plan (CIN,

14 Mar 2003, 1). Prime Minister Dr Woonton also signed a historic agreement with European Union allowing the Cook Islands “to access millions of dollars over the next 20 years” (CIN, 23 Apr 2003, 1).

It remains to be seen whether these new dollars will create new job opportunities. During 2002–2003, poor job opportunities in the Cook Islands continued to push young Cook Islanders out of the country (CIN, 8 Jun 2002, 6). The high cost of living was also a great disincentive to remaining in the islands. Prices continued to soar with evidences of over-price profiteering by some businesses (CIN, 7 Jun 2002, 4).

Crime in the Cook Islands has been very mild compared to other countries. However, the 2002–2003 year revealed a growing problem with crime, and an apparent decline in morals and ethics. High profile cases included the conviction of a forty-five-year-old former pastor “on three charges of having sexual intercourse with a 14 year old girl,” and the brutal murder by a neighbor of a young man, Tuakana Tereau Teame (CIN, 28 Jun 2002, 1). Other, subtler crimes also seem to have increased. Many stores continued to sell old or expired foodstuffs (CIN, 25 Oct 2002, 1). Even though government inspectors discovered this, no charges have been laid against the retailers involved (CIN, 2 Nov 2002, 1). Funds raised from public appeals may also have been misused. For example, questions have been raised over the use of the fund established after cyclone Martin hit Manihiki Island on 1 November 1997, killing several Islanders. In 1999 a total of NZ\$265,000 was reported in the fund, minus some

NZ\$42,000 spent on tools and equipment for two villages. There has been no accountability, although some would like to see the balance of the money spent on the building of two hospitals on Manihiki (*CIN*, 5 Nov 2002, 1).

Some top leaders and officials have experienced apparent conflicts of interest. For example, Eddie Drollett, the chief of staff for former Prime Minister Dr Terepai Maoate, was accused of receiving kickback benefits of at least NZ\$25,000 (*CIN*, 1 Jul 2003, 1). Prime Minister Dr Robert Woonton's chief of staff, Piho Rua, continued to be surrounded by rumors of questionable deals, including demands for cuts of business deals. Some appointments to the Cook Islands office in Auckland also suggested possible improprieties. Pa Ariki was secretly appointed as the new consulate general, while the daughters of the head of tourism and the prime minister were sent there as tourism officer and consular officer respectively. The appointments of MP Tepure Tapaitau and later MP Norman George as consultants to two different prime ministers were also publicly perceived as inappropriate. Even the Cook Islands government's own Audit Office apparently later deemed both actions illegal (*CIN*, 27 Jan 2003, 1).

One of the government's continuing problems centers on its offshore banking industry, which has been targeted by countries such as the United States. It has tried unsuccessfully to get the Cook Islands removed from the list of eleven countries black-listed by the Financial Action Task Force for questionable activities (*CIN*,

8 Jan 2003, 1). The lack of an effective copyright law in the Cook Islands has also allowed the abuse of intellectual property. It has been suggested that illegal copying of video and audio material is worth more than a quarter of a million dollars each year for one local operator alone. Local composers, artists, and musicians also suffer from parliamentary inaction to protect their cultural images and creations from being plagiarized.

Some of the crime in 2002–2003 crossed international borders. Albert Shahalain from South Africa was jailed in the Cook Islands for forgery (*CIN*, 2 Oct 2002, 1). An even more elaborate South African-based scam aimed to draw unwary Cook Islanders into parting with their money on the hope of receiving huge rewards. One Cook Islands victim lost NZ\$70,000 (*CIN*, 24 Jul 2002, 1). Conned into believing they were million-dollar winners in another scheme, a Spanish lottery, Cook Islands residents who responded by phone were immediately charged exorbitant fees (*CIN*, 27 Nov 2002, 1).

Some Cook Islanders have occasionally initiated questionable actions across the border. The Cook Islands has been identified as the third highest exporter into New Zealand of illegal products such as turtle meat and shells, as well as giant clam meat. Some "13 percent of all unlawful goods seized by the Customs Department of the Pacific Islands" have apparently come from Cook Islanders to New Zealand.

Rarotonga's traditional double-hulled canoe continued its historic series of open-sea voyages; in July 2002, *Te Au O Tonga* departed for

Tahiti, this time with an eighteen-member crew, including seven women (CIN, 8 Jul 2002, 1). The Cook Islands representative at the world fire-dancing competition walked away with the world title (CIN, 12 Jun 2003, 1). Orama, one of the Cook Islands popular dance groups, performed at the European Union's summit of African Caribbean Pacific Heads of State and Government (ACP) in Fiji (CIN, 23 Jul 2002, 5). Traditional investiture ceremonies continue as reflected by various title investitures held this year, including that of George Nicholas, who was bestowed the Manavaroa Mataiapo title (CIN, 1 Oct 2002, 1). Even efforts to displace Pa Ariki as paramount chief in Taki-tumu backfired because of traditional loyalties; her subchiefs reaffirmed their support for her (CIN, 17 Oct 2002, 1; 18 Oct 2002, 1). The Girl Guides celebrated the establishment of the movement in the Cook Islands on 25 Oct 1928 (CIN, 17 Oct 2002, 1). Archeologist Dr Anne Di Piazza excavated ten square meters on the motu Te Kainga of Rakahanga Island and discovered an earth oven possibly a thousand years old. She found "black charcoal stones, fish hooks made from pearl shells, two chisels made of clam and a pounder made out of coral stone" (CIN, 17 Jan 2003, 1). And the Reo Māori bill making Cook Islands Māori an official language of the country finally made its way into Parliament (CIN, 17 2003, 1).

Although the passing of the Māori-language bill was an important political statement, the largest single issue facing the Cook Islands during 2002–2003 remained its dwindling population. An estimated 15,000

people now live in the Cook Islands, a significant drop from the 20,000 of the 1970s (CIN, 15 Mar 2003, 1). In April 2003, forty-seven more people left the Cook Islands than arrived (CIN, 1 Jun 2002, 13). The outer islands have been particularly depopulated, with many now unable to field full teams in local sporting competitions. Some Aitutaki Island teams even fly in players from Rarotonga every weekend to strengthen their numbers. As local water specialist Sam Napa observed, "In a survey conducted in Atiu Island we found that of 187 households altogether, 93 houses had no people living in them" (pers comm, Rarotonga, Jun 2003).

The government has tried to entice Cook Islanders now living overseas to return to the Cook Islands. "A total of \$100,000 was appropriated in the last financial year to a 'transition fund' to assist with the return of Cook Islanders to the Cook Islands." The assistance to Cook Islanders from overseas applied to those who were returning home for two-year contract government jobs. However, only NZ\$35,000 was spent before the government terminated the program (CIN, 30 Oct 2002, 1).

During the review period there were some major changes in the population makeup of the Cook Islands. Successes in tourism, pearl farming, and offshore banking have enhanced business profits and increased tax revenue. Along with expected additions in foreign aid, the budgetary situation appears healthy. However, the realities of a poor and outmoded salary structure, a spiraling cost of living, and overconfident, self-serving, incompetent politicians, paint a bleak future.

It is hoped that things may change for the better with proposed new laws on immigration and land, as well as new elections in 2004. But a better future depends on educated parliamentarians, moral leadership, realistic government and private-sector goals and actions, and the tenacity of a friendly and hospitable Cook Islands people.

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### HAWAIIAN ISSUES

In light of pending litigation (*Arakaki v Lingle*) attempting to invalidate the Office of Hawaiian Affairs (OHA), the Department of Hawaiian Homelands (DHHL), as well as all other federal, state, and privately funded agencies that support Native Hawaiians, the Office of Hawaiian Affairs stepped up its campaign for federal recognition of Native Hawaiians as indigenous peoples of the United States. Federal recognition would solidify a political relationship with the United States government and put Hawaiians on par with other indigenous nations within US borders. Provoked by such legal challenges, the OHA campaign for federal recognition has gone mainstream, producing a slew of public informational meetings in communities around the state of Hawai'i as well as high-profile televised forums.

*Arakaki v Lingle* was originally filed on 4 March 2002 by sixteen plaintiffs asking that the Office of Hawaiian Affairs (established by a

1978 constitutional convention) and the Department of Hawaiian Homelands (established in 1921 by the US federal government, setting aside approximately 200,000 acres of land for Hawaiian homesteading) be declared invalid and unconstitutional. The suit also asks that any and all monies and properties be immediately returned to the State of Hawai'i to be used for all residents of the state, regardless of ancestry. In addition, the plaintiffs have asked that the creation of any similar laws in the future be prohibited. If successful, the suit would take away all current support systems and programs designed to redress historical wrongs perpetrated against Hawaiians, including the loss of Hawaiian sovereignty and the resultant, dismal socioeconomic conditions.

*Arakaki v Lingle* owes its standing to the 2000 *Rice v Cayetano* ruling, which forced the State of Hawai'i to allow non-Hawaiians to vote in the election of trustees of the Office of Hawaiian Affairs. In anticipation of the ruling, Hawai'i's congressional delegation authored a bill for federal recognition of Native Hawaiians in 1999. They believed that the passage of such a bill would negate similar court cases and allow a certain degree of control for Hawaiians over lands and other assets currently administered by state and US federal agencies.

The latest incarnation of the federal-recognition bill, Senate Bill 344, was submitted to the 108th Congress in June 2003. While maintaining the general thrust of its predecessors, this version contains a new section that would establish a registration roll for Native Hawaiians, to be overseen and



approved by an Office for Native Hawaiian Relations within the US Department of Interior. Only registered voters would then be eligible to participate in the election of delegates and, subsequently, in the creation of organic documents for a future Native Hawaiian governing entity. Critics argue that this clause would amplify the US federal government's power over the ability of a Native Hawaiian governing entity to determine the composition of its own citizenry.

The new clause is reminiscent of the ill-fated state legislation that established the Hawaiian Sovereignty Elections Council and mandated a plebiscite to determine the will of the Hawaiian people in 1996. That vote was problematic on two levels. First, the Hawaiian people (as well as non-Hawaiians) were uninformed regarding the issues and implications of what came to be known as the "Native Hawaiian Vote." Second, because the Hawai'i State Legislature and the Office of Hawaiian Affairs jointly funded the vote, critics saw a clear conflict of interest between the sponsors and the electorate, and they accused the state of controlling the process. Although public awareness has continued to increase, it is clear that the same issues remain, and that the same conflict of interest may be replicated on the federal level.

Generally, the debate surrounding federal recognition has not changed. Supporters of the bill laud it as a shield for Native Hawaiian programs and trusts currently under attack, and see it as the only way Native Hawaiians can achieve autonomy. Detractors are unsatisfied with the domestic-dependent nation status the bill would

create for Native Hawaiians. They argue that the bill is merely an attempt to protect the status quo and makes no provisions for independence; it may in fact block that option.

After her installation, Governor Linda Lingle made good on an election-year promise to campaign for federal recognition of Native Hawaiians (Reynolds 2003). In her 25 February 2003 testimony before the Senate Committee on Indian Affairs, Governor Lingle argued that the Native Hawaiian culture was "the foundation of the character of the state of Hawai'i, and the basis for common understanding among our varied ethnic populations. Our very identity as a state is founded on Native Hawaiian values, cultural practices and knowledge" (Lingle 2003)

Lingle's avid support of federal recognition surprised many in the Hawaiian community. As mayor of Maui County, she had been criticized for allegedly supporting the sale of ceded lands (lands formerly belonging to the Kingdom of Hawai'i, taken after the overthrow and transferred to the US federal government, then to the State of Hawai'i, to be held in trust for the Hawaiian people). Although Hawaiians were not very optimistic when she won the election, her testimony illustrates a distinct shift in official attitudes toward Hawaiians. Governor Lingle, a Republican, is now seen as playing a crucial role in efforts influencing the Republican-led US Congress, as well as the Bush administration, to support federal recognition.

The Office of Hawaiian Affairs is not the only organization facing legal

challenges. The Kamehameha Schools, a private school established by the legacy of Princess Bernice Pauahi Bishop for Native Hawaiian children, is threatened on two fronts. It faces challenges to its admissions policy, which gives preference to children of Hawaiian ancestry. In addition, its capacity to generate revenue from leases on condominiums developed on trust lands may be compromised by state policies that favor mandatory lease-to-fee conversions.

In 2002, the trustees of the Kamehameha Schools admitted a non-Hawaiian student to its Maui campus. Hamilton McCubbin, chief executive officer of the schools at the time, stated that there were no other “qualified” Hawaiian students. Led by alumni and concerned parents, the Hawaiian community condemned the trustees’ actions. Some demanded an explanation, while others insisted that the trustees resign. As a result of the subsequent media storm, the trustees have since put their full weight behind the trust’s original admissions policy.

In 2003, a lawsuit was filed against the Kamehameha Schools on behalf of a non-Hawaiian mother who claimed Hawaiian ancestry for her son because her father was hānai (adopted) by a Hawaiian family. When she failed to verify the ancestry of her son, the admissions office withdrew their offer to admit him to the school. Her lawyer, John Goemans, who represented Harold Rice in the *Rice v Cayetano* suit, then filed a lawsuit denouncing the school’s admissions policy as racist, and filed for an injunction to prevent the school from cancelling her son’s enrollment, pending a court decision in the case. The

Hawaiian community was once again infuriated, accusing Goemans of using a young child as a political pawn in his vendetta against Hawaiian rights, and condemning the mother for letting it happen. The case is still pending.

The Kamehameha Schools’ problems do not end there. The estate is one target of a mandatory lease-to-fee conversion policy in Hawai‘i. This policy results from a particular interpretation of the Land Reform Act, enacted almost forty years ago to break up the land holdings of large corporations that dominated Hawai‘i’s economy at the time. It was designed to allow families to buy their own lots and to increase market competition. It was not intended to apply to condominiums. In 1991, the state enacted a mandatory lease-to-fee conversion law that allows the state to condemn disputed lease land under condominiums, forcing the landowners to sell. Since then, the state has forced the sale of numerous sites. Three sites are currently under litigation: Kahala Beach Apartments; Admiral Thomas Condominiums; and the Camelot, also condominiums. The land under Kahala Beach Apartments is owned by the Kamehameha Schools, which utilizes the revenues to subsidize education for Hawaiian children. The Admiral Thomas Condominiums are owned by the United Methodist Church, which funds a preschool, a food bank, and community outreach programs. The Camelot provides revenue for an order of Roman Catholic nuns as well as a Hawaiian family. It is clear that the 1991 lease-to-fee conversion law is now benefiting real estate companies and a few wealthy condo owners at the expense of two churches, a

charitable trust, and a Hawaiian family.

A related land issue revolves around the island of Kaho'olawe, which lies just south of Maui. Immediately following the 1941 bombing of Pearl Harbor during World War II, Kaho'olawe was seized by the US military to be used for target practice. In 1976, the Protect Kaho'olawe 'Ohana began leading protests against the military's use of the island. They filed a federal civil suit, organized rallies, lobbied the legislature, and put their own lives on the line in site occupations that brought national attention to the Hawaiian nationalist movement. These efforts were finally rewarded in October 1990 when then President George H Bush directed the secretary of the navy to discontinue use of the island. Kaho'olawe formerly housed a navigational school, and coastal and interior settlements. Today it has been reduced to 28,800 acres of barely habitable, naked landscape, scarred by fifty years of neglect and environmental brutality.

By 1993, all bombing and military training ceased and the process for the return of the island to the State of Hawai'i began, based on the recommendations of the Kaho'olawe Island Conveyance Commission. Concurrently, the Hawai'i State Legislature established the Kaho'olawe Island Reserve Commission to oversee the newly formed Kaho'olawe Island Reserve. Despite its haggard appearance, Kaho'olawe still retains its status as a sacred island, serving as one of the main strongholds of the revitalization of Hawaiian cultural practices. The US military has not finished cleaning all unexploded ordinances on the

island, and safety continues to be a concern. November 2003 marks the end of the \$400 million federal contract to clean-up Kaho'olawe, which raises several issues concerning the continued clean up effort, liability, and future use of the island.

The establishment of a Native Hawaiian advisory council in the University of Hawai'i (UH) system, which consists of nine campuses around the islands, marked a return to education as a focal point in the Hawaiian movement. Named Pūko'a, the council is supported by a new, sympathetic administration at the University of Hawai'i. President Evan Dohelle set aside \$1.5 million on his induction in fall 2001, and continues to encourage Hawaiian participation by creating a position to assist the chancellor of the UH Mānoa campus with Hawaiian issues. Among Pūko'a's goals are increasing the number of Hawaiian students, faculty, and staff in the UH system, and fostering collaboration among UH campuses. The council also advocates parity with other programs for Native Hawaiian and Native Hawaiian-serving programs. Pūko'a's general membership meets twice a year, and the executive council, consisting of two representatives from each campus, meets every other month. Each campus has its own council to discuss issues specific to their part of the UH system.

For Hawai'i's younger students, charter schools have become more prevalent and credible as alternatives to traditional public schools. The charter school movement began on the continental United States in 1991 to empower parents and communities

to work with educators, encourage innovation, experiment with curriculum, connect with the community, and allow for alternative ways of learning (Keesing 2000). Hawai'i opened its first twenty-five New Century charter schools in 1999, utilizing project and culturally based approaches to education. The creation of these semi-autonomous schools has enabled teachers to create curriculum more suitable for Hawaiian students.

The more culturally appropriate approach has been especially effective for at-risk youth. One of the charter schools, Hālau Kū Mana, reported a 98 percent attendance rate in its first year. This is a notable achievement because many of its students came from the public school system with annual absentee rates ranging from 91 to 142 days. In the two years since it opened, Hālau Kū Mana has taken students to places including Japan, Tahiti, Washington DC, Arizona, Brazil, and Alaska. As part of the culturally based learning that is the cornerstone of Hawai'i's charter school system, the students also learn Hawaiian performing arts. In fact, Hālau Kū Mana earned the Statewide Excellence in Arts award for the 2001–2002 school year. Hālau Kū Mana is partly housed in the UH Mānoa Kamakakuokalani Center for Hawaiian Studies, enabling younger students to intermingle with college students, fostering confidence and encouraging students to continue to higher education (Keali'i'olu'olu Gora, Hālau Kū Mana Director of Community and Public Relations, pers comm, 2003).

In addition to Pūko'a and Hawai'i's New Century charter schools, new

support organizations continue to be formed. The Council for Native Hawaiian Advancement, a member-based nonprofit organization that provides technical assistance, training, and information on community development, hosted its second annual conference in August 2003. The Native Hawaiian Graduate Student Council held its first conference with students from all fields. And the members of Hale Kū'ai, a Hawaiian artisan cooperative, met to discuss marketing and the creation of a trademark indicating Hawaiian-made pieces.

These organizations, educational resources, and support programs have developed despite increased attacks on Hawaiian rights, lands, and assets. It is clear that as Hawaiians continue to empower themselves, anti-Hawaiian sentiment will build as well. Backed by some nonprofit Hawaiian organizations as well as by the governor, the Office of Hawaiian Affairs has increased efforts toward federal recognition, which would confirm a political relationship with the US government and provide some protection for Native Hawaiian programs.

The bill for federal recognition, S 344, is one alternative to help protect Native Hawaiian programs and organizations as well as offer some autonomy. Another option is to pursue decolonization through the United Nations and declare Hawai'i an independent state. Although the latter option may be more risky in the short run, in the long run it has the potential to provide much more autonomy than federal recognition and to facilitate genuine independence. In either case, the goal is self-governance for Native Hawaiians. And, to this end,

Native Hawaiians must be ever vigilant and continue to assert themselves in the name of social justice.

TRACIE KU'UIPO CUMMINGS

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### MĀORI ISSUES

The July 2002 general election delivered 20 members of Parliament who identify as Māori, out of a House of 120 members. Ten of them are in the Labour caucus of 52 that leads the coalition government. All 7 of the Māori seats went to Labour. Māori therefore expected to see at least 3 Māori cabinet ministers, with the same number or more becoming ministers outside cabinet. It was indicative of things to come that only 2 Māori cabinet ministers were appointed, along with another 2 outside cabinet. One of the ministers outside cabinet was Tariana Turia, who returned to the House with a very substantial 7,536 majority in the new Taihauauru seat. Turia has developed the reputation of being the only member in the

House prepared to speak out fearlessly on behalf and in support of Māori, no matter how strident the media and opposition attacks on her become. Many Māori hoped she would be included in cabinet, as she had certainly earned such a posting. Her appointment as a minister outside cabinet sent a clear message that the Labour caucus is still uncomfortable with Māori who consistently support their own people.

However, Turia is no longer the only Māori member of Parliament able to articulate Māori aspirations accurately, clearly, and consistently. Metiria Turei, a first-time member in the Green Party, is showing considerable potential. Although the mainstream media ignores most of her press releases, her party does not appear to be censoring them. Georgina Te Heuheu of the conservative National Party, on the other hand, has increasingly found herself having to contradict her party leader. After the party failed miserably in the general election, the National leader abandoned any pretence of supporting Māori aspirations and set out to attack any policy or program aimed at improving Māori circumstances. He called for the abolition of the seven Māori seats in Parliament; demanded that the government legislate to vest the foreshores and seabed in the Crown, effectively confiscating those areas from Māori; he argued that Māori should be given no special consideration in any matter and that all New Zealanders are the same (thus willfully disregarding all socioeconomic indicators that contradict this); he attacked the government for setting aside money in the budget for a Treaty of Waitangi education pro-

gram; he attacked the Waitangi Tribunal for saying that Māori have an interest in the country's oil and gas resources; and he promised to stop Māori from making claims under the Treaty of Waitangi and to remove those aspects of the Resource Management Act and Local Government Act that protect Māori relationships with their ancestral lands (National Party website: <<http://www.national.org.nz/>>). His racist outbursts have not improved National's showing in the opinion polls.

In April 2002 the government indicated that it intended to introduce legislation setting up a new Supreme Court to replace the London-based Privy Council. More than 90 percent of Māori who made submissions to the Select Committee hearings in 2003 opposed the proposed legislation. Many called for constitutional reform to precede such a move. Such reform would have to entrench the Treaty of Waitangi in the constitution before many Māori would consider the introduction of a Supreme Court in New Zealand. Submissions often noted that the present judicial system discriminates against Māori, with Māori being convicted and imprisoned at a far greater rate than non-Māori. The Privy Council is perceived as independent of New Zealand and not tainted with the same racism that exists in the New Zealand courts. Many felt that a Supreme Court made up entirely of New Zealand judges would continue to discriminate against Māori.

In May 2002 a very successful Māori businessman was appointed to guide the setting up of the Māori Television Service. He managed to stop media attacks on the service and

its personnel by refusing to speak to mainstream journalists. The media appeared to lose interest completely after having attacked the service continually over the previous twelve months. By January the budget allocated by government to set up the service had increased from NZ\$6 million to \$13 million with hardly a murmur of dissent. Legislation formally setting the service in place was eventually passed in May 2003 after years of strenuous efforts to stop it. The opposition eventually supported the legislation and its passing into law went unmentioned in the mainstream media.

The allocation of fisheries quota by the Treaty of Waitangi Fisheries Commission continued to be bogged down in disputes among Māori. Eleven years after the so-called "settlement," the allocation is still not complete. In December the new commission chair tried to force an agreement and ran a propaganda campaign claiming that 96 percent of Māori supported the Commission's allocation model. The mainstream media believed the propaganda, praising the chairman as the savior of warring Māori factions. However, the media subsequently ignored the fact that a large number of hapū (groupings of extended families) and iwi (tribal groupings) initiated litigation to prevent the model from being entrenched in legislation. The litigation failed and the matter is now in the hands of the Minister of Fisheries.

In December the Local Government Act passed into law. Māori had hoped for some major reforms to ensure that they would play a more active and meaningful role in the decision making of local authorities. For it

is at the local authority level where Māori resources are most immediately affected, where decisions are made that directly affect their ancestral lands, waterways, seas, and within them, the wāhi tapu (the sacred sites and places of special significance that have been ritually restricted). Although there are provisions in the Resource Management Act 1991 to recognize and provide for these matters, the lack of knowledge and political will to implement the relevant sections of the act means that Māori cultural and spiritual concerns are constantly trampled on by developers whose actions are fully condoned by consent-granting local authorities. Those whānau (extended families) and hapū who can afford to do so are increasingly resorting to the courts for relief. Yet the reforms sought by Māori were so watered down during the passage of the legislation that all judgments about whether Māori should be included in decision making were left entirely in the hands of the existing local authorities. To date, only one of the eighty-six local authorities has made provision for Māori representation on their authority, and only twelve have chosen the Single Transferable Vote polling system, which would give Māori a greater chance to be elected. The overall result appears to be a recipe for continued litigation against local authorities by Māori.

Keeping up their tradition, mainstream media have persisted with their attacks on Māori members of Parliament. This year it was Donna Awatere-Huata's turn. When the right-wing ACT New Zealand party suspended her in February, the media harassed her and her family for weeks,

prying into their personal affairs. Many Māori, including members of Parliament from other parties, spoke out against the cruel treatment by the media. By contrast, the suspension of ex-Minister Maurice Williamson from the National Party in July made headlines for a couple of days and then vanished. No mention was made of either his family or his private and personal affairs.

Media assaults on Māori came under attack from an unusual source this year: a columnist in the *New Zealand Herald*. Since February 2002 Tapu Misa has been contributing weekly columns in the country's largest newspaper. In a column headed "Media perceptions of Māori still pretty distorted," she noted that "misunderstanding and misinformation abound and I'm beginning to think some of it is willful. Māori have complained for years at the way an overwhelmingly Pākehā mainstream media continue to shape and distort perceptions about them" (NZH, 27 Nov 2002). While the newspaper continues to publish items attacking Māori, its new editor has yet to withdraw Misa's columns in the way that columns supportive of Māori have been withdrawn in the past. The *Herald* continues to publish letters attacking Misa's columns, although there has also been the occasional letter supporting them.

In at least seven of her columns, Misa (who is Samoan) has raised the issue of racial discrimination not only against Māori but also against Pacific Islanders, drawing on topical issues that demonstrate that racism is alive and well in New Zealand. Media attacks on Māori for seeking protec-

tion for their wāhi tapu have occurred on at least four different occasions in the past year. The Race Relations Commissioner was vehemently criticized for defending Māori because he had compared New Zealand's colonial history of vandalizing Māori culture and the natural environment to the Taliban's destruction of the Bamiyan Buddhas in Afghanistan. Misa defended the commissioner, saying "Joris de Bres chose to talk about the many sins of New Zealand's colonial government to help throw some light on Māori cultural issues." However, she concluded, "we are not yet ready as a society to acknowledge the ongoing effects of past wrongs" (NZH, 11 Dec 2002).

One bright note in the year for Māori was the release of the film *Whale Rider*, based on the novel by Witi Ihimaera. It won accolades at the Sundance Film Festival and awards at other festivals including Seattle, San Francisco, Maui, Toronto, and Rotterdam, and is enjoying great box office success in countries including the United States. It finally screened in Auckland in January and ran for several months. It is an adaptation of a well-known East Coast tradition about an ancestor who rides on a whale, and makes very poignant comments about the restrictive and inflexible nature of some Māori customs.

Two settlements of Treaty of Waitangi claims against the Crown were completed this year: Ngāti Ruanui for NZ\$41 million and Ngāti Tūwharetoa ki Kawerau for NZ\$10.5 million. The money is given to the claimants so that they can buy back their own land from the Crown. The claims have been estimated to be worth NZ\$12

billion and NZ\$3 billion respectively (Mutu in press). As the Ngāti Ruanui Treaty Claims Settlement Bill passed into legislation, Tariana Turia warned Parliament that NZ\$41 million represented only a tiny proportion of what was lost. The government also entered negotiations with four other iwi, including Ngāti Whātua o Ōrākei, whose claim covers Auckland city. But the government reacted angrily to decisions from the Waitangi Tribunal and the Court of Appeal, which found in favor of Māori against the Crown. In May, the Waitangi Tribunal issued its finding that Māori have an interest in the country's oil and gas resources. The government immediately declared that it would ignore the recommendation that Māori interests be recognized. One month later the Court of Appeal issued its decision that the Māori Land Court has the jurisdiction to investigate the title of foreshore and seabed and to declare its status to be Māori customary land. The Crown had wrongly assumed that it holds title to all these resources, when both common law and the Treaty of Waitangi clearly say that they belong to Māori until such time as their title is properly extinguished. A legal commentator noted, "It is difficult to underestimate the importance of this decision to NZ's general legal development. In some ways, this decision is the NZ equivalent of the *Mabo* judgment of 1992" (Bennion 2003, 1).

The government's reaction to the Court of Appeal decision was to announce that it would legislate to give the ownership of all New Zealand's foreshore and seabed to the Crown. The government's intention to remove Māori rights in respect to such



lands would amount to the largest-ever confiscation of Māori property. The outcry from Māori was instantaneous, furious, and uncharacteristically united. The country appeared to be stunned by the level of anger expressed by Māori, who for once enjoyed the unanimous support of the ten Māori Labour caucus members along with almost all other Māori members in Parliament. The Labour government reeled in the face of the onslaught, uncomfortably aware that they hold all seven of the seats specifically designated for Māori in the House. Angry outbursts from Pākehā demanding that the government not bow to Māori pressure overwhelmed calls by other Pākehā to respect Māori property rights. Opposition parties went to extraordinary lengths to whip up strong anti-Māori sentiment based on imagined fears that Māori would prevent public access to the country's foreshores. Only after several weeks of uninformed public debate and speculation did mainstream media start publishing any factual information relating to the issue.

Within three weeks of the government announcement, Māori had convened a national gathering to discuss the issue. Over 1,000 attended, many of them the mandated representatives of the numerous tribal groupings throughout the country. Factual information on the issues involved was available both through presentations made by experts in the field and formal written opinions. The resolutions from the gathering issued very strong warnings to both the government and all Māori members of Parliament not to attempt to extinguish or redefine Māori customary title or rights. Representatives returned home from

the meeting to inform their communities of the outcomes and to seek instructions on measures to be taken to resolve the problem. A second national gathering was to be held at the end of August. By the end of July, calls for Māori to take greater control over their own affairs and resources were becoming more widespread. The government, on the other hand, was refusing to discuss the foreshores and seabed matter with anyone other than members of its own caucus.

In the year leading up to the announcement, Māori had become increasingly strident in their criticisms of government plans to lease out sections of the coastal marine area for aquaculture purposes. In December the Waitangi Tribunal had issued findings that Māori have rights in respect to aquaculture and marine farming that the Crown had failed to take into account in its proposals to tender coastal space arguably belonging to Māori. As a result of highly exploitative commercial fishing activities, the country's natural fish stocks had become severely depleted. Shellfish farming in particular was becoming a lucrative business, although competition for use of coastal space was such that the government decided to regulate access to it for commercial purposes. The fact that this would mean that Māori would probably lose their rights to the coastal space was disregarded in official circles. After 160 years of successfully depriving Māori of almost all their natural resources, this was just another step in the same direction. Officials and the government chose to turn a blind eye to the repeated findings and warnings of the Waitangi Tribunal that the Crown cannot steal Māori resources with

impunity. The decision of the Court of Appeal caught them completely off guard and their announcement that they intended to effectively confiscate by legislation took the country back 140 years to the last legal confiscations of Māori land. Those actions resulted in civil war, as Māori were forced to defend their lands. It is hoped that the government is more aware this time that any further attempts to confiscate Māori land will result in many more Pākehā fighting on the side of Māori than did so in the 1860s.

MARGARET MUTU

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### SĀMOA

Events and issues that stirred the Samoan community in the period under review include the petition by Samoans to the New Zealand Parliament to repeal the Citizenship (Western Samoa) Act 1982; rumors surrounding the Sinalei Tourist Resort; the controversy over the Oceania University of Medicine; the SARS threat;

government structural reforms; and parliamentary by-elections.

In the mid-1970s, New Zealand—under Prime Minister Robert Muldoon and the National government—cracked down on immigrants who had overstayed their entry permits. One such immigrant, Falema'i Lesā, a Samoan woman, fought back through her legal counsels, Dr George Barton, QC, and Mr Rosenberg. Defeated in the New Zealand court, Barton and Rosenberg appealed the decision in the Privy Council in London. On 28 July 1982, the Privy Council upheld the New Zealand–British Nationality and New Zealand Citizenship Act. Barton and Rosenberg argued that their client was a New Zealand citizen by virtue of legislation passed in 1923 and 1928, when New Zealand still administered Western Sāmoa. The clincher for the Privy Council was the 1928 British Nationality and Status of Aliens (in New Zealand) Act. It held that the Cook Islands and Western Sāmoa were “in the same manner in all respects . . . [and] for all purposes part of New Zealand.” The term “New Zealand” was “to be construed as including the Cook Islands and Western Sāmoa” (quoted in SO, 29 Mar 2003).

The New Zealand–British Nationality and New Zealand Citizenship Act clearly states that all Samoans born in Western Sāmoa between 1924 and 1948, and their children, were deemed New Zealand citizens. Clause 16, Part 3 of that act states, “A person who is a British subject immediately before the date of commencement of this Act shall on that date become a New Zealand citizen if he was born in Western Sāmoa” (quoted in SO, 14 Nov 2002). On 21 August

1982, then Acting Prime Minister of Western Sāmoa Tofilau Eti Alesana—in the absence of Prime Minister Va'ai Kolone, who took ill—signed a protocol with New Zealand Prime Minister Sir Robert Muldoon. The New Zealand government of the day used that protocol to pass the Citizenship (Western Samoa) Act 1982 (SO, 14 Nov 2002). While this act meant that Samoans who were born between 1924 and 1948 and their children lost their citizenship rights, it also gave other benefits to Samoans. Samoans who were in New Zealand at the time gained automatic New Zealand citizenship. Samoans were also eligible to apply for citizenship once they gained permanent residence status. Moreover, the number of Samoan citizens who could apply for permanent residence in New Zealand under the yearly immigration quota was increased (SO, 3 Oct 2002).

Former New Zealand National Party MP Arthur Anae was in Sāmoa in early September 2002 to facilitate a petition seeking a repeal of the New Zealand Citizenship Act 1982 (SO, 1 Sep 2002). Anae believed that the law discriminated against Samoans and breached basic human rights. Anae also argued that nothing in the protocol signed by the governments stated that Sāmoa had given up rights to New Zealand citizenship. Rather, the purpose of the protocol was to endorse the Treaty of Friendship between the two countries that had been signed on 1 August 1962. Anae further argued that the Privy Council ruling had nothing to do with the protocol. Therefore, he said, the New Zealand Citizenship Act 1982 was a deliberate act on New Zealand's part

to restrict Samoan access to New Zealand citizenship. According to Anae, "there is this fear in the New Zealand *pakeha* [white] community that 170,000 Samoans will rush to New Zealand when they have free access to citizenship" (quoted in SO, 1 Sep 2002). Anae went on to say, "I don't see 17 million Australians going to New Zealand despite free movement between the two countries. . . . Honestly, I keep telling my former colleagues in Wellington that most Samoans in the islands do not want to live in New Zealand" (quoted in SO, 1 Sep 2002). What Samoans wanted instead, according to Anae, was the freedom of access similar to that of Tokelauans, Cook Islanders, and Niueans. "If [New Zealand] can apologize to the Chinese for discriminating against them with a Poll Tax, which they accepted at the time, then the New Zealand government must respond to the Western Sāmoa Citizenship Act or compensate for the Sāmoa people by either allowing all Samoans born before independence in 1962 access to New Zealand residency or increase the Samoan Quota to 3,000 per year" (quoted in SO, 1 Sep 2002). Anae also pointed out that the Human Rights Commission considered that the citizenship bill involved a denial of basic human rights in that it sought to deprive a particular group of New Zealanders of their citizenship on the basis of their status as Polynesians of Samoan origin.

While Anae was in Sāmoa to seek supporters for the citizenship petition, a Samoan committee for the same purpose was formed. Its secretary was Maiava Vissekota Pēteru, a New

Zealand-born Samoan and graduate of the Auckland University Law School. According to Maiava, “the support from the community has been tremendous so far.” With New Zealand citizenship, Maiava said, “comes medical, education, employment and especially, travel privileges to that country.” Moreover, “we want to clearly state that the petition to repeal the law is simply to provide our people with a choice for unlimited and unconditional access to that country. It is a matter of providing a choice for our people” (quoted in *SO*, 25 Mar 2003). Furthermore, “Many Samoans do not want to live in New Zealand and all we are asking is for them to have free access to that country and the right of citizenship choice, instead of going through the tedious immigration screening and visa process” (quoted in *SO*, 1 Apr 2003). Maiava believes that because people do not have that access, relatives in New Zealand have adopted many Samoan children so that they can migrate. “Since people here do not have that access, adoption becomes the only option they have. . . . Perhaps another fear is that the Samoan petition may end up getting lumped together with Maori issues,” Maiava said (quoted in *SO*, 1 Apr 2003). Maiava urged locals to sign the petition.

On 26 March 2003, about 2,000 Samoans marched on the New Zealand Parliament, and Dr Barton, the lawyer who took the case to the Privy Council, handed over the petition containing 100,000 signatures to Prime Minister Helen Clark. Those who participated in the march included sportspeople, academics, politicians, and entertainers of Samoan descent.

Among them were Warriors Rugby League center Ali Lauititi, world champion discus thrower Beatrice Faumuina, and celebrated newscaster April Ieremia (*SO*, 25 Feb 2003). On the same day, over 6,000 Samoans marched to the New Zealand High Commission office on Beach Road in Apia and presented the same petition to New Zealand High Commissioner Dr Penelope Riding.

On 8 May, when the petition was presented to a select committee of the New Zealand Parliament, a video link was set up with Christchurch, Auckland, Wellington, and the National University of Sāmoa in Apia. According to the parliamentary committee chairperson, Dianne Yates, this was the first time the New Zealand Parliament had conducted its business using video conferencing. The parliamentary hearing started with submissions by Dr Barton, Anae, and former New Zealand Human Rights Commissioner Pat Downey. All of them appeared before the committee in person. After Wellington, the committee heard submissions from Sāmoa as presented by seven members of the Apia Sāmoa Citizenship Committee. The committee presented its report to Parliament where a final decision will be made (*SO*, 9 May 2003).

Anae's views were not supported by some of his colleagues in the New Zealand Parliament. Samoan Labour Party MP Taito Philip Field said that this citizenship petition was raising false hopes. As Taito explained, no party in New Zealand—including the National Party—supports this petition: “Any possible change of heart may well depend on how much grassroots support there is for the petition.

But at the moment, no party supports it. It is also difficult to imagine the situation returning to the situation before the signing of the Western Sāmoa Citizenship Act in 1982, when Samoan citizenship rights were given up for certain benefits for Samoans" (quoted in *SO*, 3 Oct 2002).

Taito believed that efforts to toughen up on the portability of New Zealand pensions should also be of interest to the Samoan community. At the moment there is 100 percent portability of New Zealand pensions for people who have been in New Zealand for twenty years or more. That means they are eligible to draw their full pension even from outside New Zealand. Those who have been in New Zealand for ten years will be eligible for 50 percent portability, increasing towards 100 percent as the number of years in New Zealand increases (*SO*, 3 Oct 2002).

Prime Minister Helen Clark does not see any need to review the Samoan citizenship law, even though she was among a small number of Labour Party members of Parliament in 1982 that had condemned the law (*SO*, 28 Mar 2003). The New Zealand high commissioner in Sāmoa had no comment when asked about her views on the petition to repeal the act (*SO*, 3 Sep 2002).

In the second half of 2002, rumors circulated by a local newspaper alleged that a group of thirty people staying at the Sinalei Resort, one of the best tourist places on Upolu Island, belonged to a cult. Some suggested they could be terrorists; others, a nudist group (*SO*, 28 July; 4 Sep 2002). The rumors prompted Secretary for the Prime Minister's Office Va'asātia Poloma Komiti to check the

group's credentials with the FBI (*SO*, 6 Nov 2002). Furthermore, Superintendent Li'o Masipa'u said that the police department was investigating reports that the customs department had detected drugs in the personal belongings of group members (*SO*, 6 Nov 2002).

The rumors were further inflated by Duane Reed, one of the group members, in an interview with the *Sāmoa Observer*. Reed, who joined the group after learning about it on the Internet, warned that the group posed a real threat to the harmonious fa'asāmoa (the Samoan way of life). Reed said Samoans have been misled into thinking that members of the group were artists. "They are not artists and they have nothing to do with painting" (*SO*, 5 Dec 2002). Rather, the small group belonged to an international religious organization known as the Maha Devi Ascension Movement. According to Reed, the group was headed by a multimillionaire German woman, known around the compound as Gabrielle, who claimed to be an immortal being from Atlantis and Lemuria with the ability to build pyramids and turn people into gods. Reed also said that Gabrielle—whose real name turned out to be Ms Wilson—planned to build a pyramid on an island in the Pacific that would bring 7,000 people together (*SO*, 5 Dec 2002). Ms Wilson denied all of the allegations against her, and the resort's manager confirmed that members of the group were simply artists who found Sāmoa an attractive place to reside for a while. The group left Sāmoa in January 2003, six months after their arrival there (*SO*, 10 Jan 2003).

Numerous complaints have been

directed at the Apia-based Oceania University of Medicine (OUM) since it opened in 2002. It was alleged that the Sāmoa Health Department had ordered its security to stop OUM staff from entering its campus inside the Sāmoa national hospital compound. Another allegation was that OUM tuition funds were being channeled to an account in the Cayman Islands, thus ensuring minimal monetary spin-off to the local economy. Although incoming Vice Chancellor Professor Maloney dismissed these allegations, it wasn't long before students at the university started voicing their complaints (SO, 7 Aug 2002). In a letter to the Samoan government, five students said that on their arrival they were "surprised to find that the most elementary resources were not provided" (quoted in SO, 27 Oct 2002). They expressed the hope that the government would intervene to ensure that "the international reputation of Sāmoa is not tarnished by the unfulfilled promises of the Oceania University of Medicine management" (quoted in SO, 27 Oct 2002). A week later an Australian academic entered the fray. In a letter to a local newspaper, he pointed out that 70 percent of the entering students had already dropped out, and raised questions about the university's accreditation. He warned that Sāmoa's reputation in Australia and New Zealand had been "irrevocably stained" by these developments, and feared "that a recruiting effort in North America, the major source of students for 'offshore' schools, will result in more unsuspecting students experiencing the same unhappy experience of the first ones" (SO, 3 Nov 2002).

By the end of the period under

review, things at Oceania University of Medicine appeared to be looking up. Some distinguished physicians had been added to the staff; the staff member responsible for curriculum development had been replaced; and the government had reportedly spent one million tala upgrading the facility (SO, 13 Mar 2003). According to one of the new staff members, Dr Satupa'itea Viali, head of the Medicine Unit at the Tupua Tamasese Mea'ole National Hospital, "Though the university is small compared to other medical institutions, the technology used is at the cutting edge" (SO, 5 Dec 2002).

The international SARS scare was felt in Sāmoa in May 2002 with the arrival of ten Chinese nationals and a Singaporean on an Air Pacific flight. Traveling via Hong Kong, Tokyo, and Nadi, they bypassed New Zealand and Australia, which had been serving as points of quarantine for Sāmoa. In the absence of any health department official, Akerei Le'au, one of the quarantine officers at the airport, sounded the SARS alert. But by the time the matter was referred to him, the Air Pacific flight had already left, so the passengers were isolated, first in the arrivals lounge and later at Leulumoega Hospital, before resuming their journey to American Sāmoa (SO, 22 May 2003).

Concern was also raised for the health of seven Samoan students studying in China. Although the Chinese Embassy claimed that the Samoan students were safe and away from possible infected areas, by early May 2003 the cabinet had approved funds to bring them home. The students traveled back to Sāmoa via New Zealand, where they stayed for ten

days under SARS supervision (SO, 10 May 2003). Meanwhile, Sāmoa's under-23 soccer team was unable to participate at the International Peace Games in June following reports of a SARS case in South Korea. The team had been fundraising vigorously and training in anticipation of the Oceania Olympic qualifying games in 2004 (SO, 1 May 2003).

In April 2003, the names of fourteen new chief executive officers of government departments were announced. Under the government's structural reform policy, twenty-seven existing departments and corporations were reduced to fourteen. As Secretary of the Public Service Commission (PSC) Dr Matagiālofi Mōlī explained, the merging of some departments was the result of a review conducted by the PSC Institutional Strengthening Project. That project had been the main vehicle for reforming Sāmoa's public service. According to the prime minister, the reforms were designed to save money and "improve the quality and level of government services to the public" (SO, 13 Aug 2002). According to TV Sāmoa, part of the money saved would come from the elimination of jobs for about 30 percent of the existing 4,000 members of the public service (SO, 14 Sep 2002).

The reforms were received with mixed feelings. In the debate in Parliament, most members supported the bill, although others were concerned about the impact of the changes on the people affected. In an article published in one of the local papers, MP Tuiatua Tupua Efi (from the opposition Sāmoa National Development Party) asked whether the current government structural reforms were

a way for the party in government (the Human Rights Protection Party) to abolish departments that should not have been formed in the first place. In that case, Tupua said, the government owed it to everyone to explain fully what was happening (SO, 14 Aug 2002).

In October 2002, at a function to farewell employees of the Public Works Department who had been made redundant by the reforms, Prime Minister Tuila'epa Sa'ilele Malielegaoi pointed out that these developments reflected a global trend to stimulate public service efficiency. Drawing from his public service experience, the prime minister revealed that he too had to resign from various jobs several times to pursue other goals. He also told the gathering how fortunate they were to receive generous severance payments. "The cheques you are about to receive is surely more money than you've ever held in your hand," Tuila'epa said (SO, 3 Oct 2002).

Not everybody was happy with the redundancy packages provided to those terminated from their public service jobs. Falefata Pētaia Tuāniu, former Public Service Association chairman, said that the redundancy packages represented a raw deal. "They should be given more," Falefata said. "I'm talking about those who have been there for ten years but are now being given \$3,000 for their long services" (quoted in SO, 22 Sep 2002). However, some of the affected employees seemed resigned to the situation. "I'm quite happy with the financial benefits," one redundant worker said. "Perhaps this is also for the best, maybe there are other

rewarding avenues out there for us to take which would not have happened if we continued to work for Public Works Department. If these reforms are truly for the best of the country then we have to accept it. Life still goes on" (quoted in SO, 3 Oct 2002).

Two by-elections were held in the period under review, one at the electoral constituency of Faleata East around the outskirts of Apia and the other at Alataua West on Savai'i Island. On 6 August 2002, Lepou II was elected unopposed as Faleata East's new member of Parliament, following the appointment to the Council of Deputies earlier this year of incumbent MP Faumuina Anapapa (SO, 21 Jul; 4 Aug 2002). Faumuina Anapapa's appointment came after the late Mata'ia Visiesio Europa passed away earlier this year.

The by-election at Alataua West saw ninety-year-old Ta'atiti Alofa elected. The oldest-ever member of Parliament, he gave his maiden speech on 16 January 2003 (SO, 17 Jan 2003). Ta'atiti replaced Nonumalo Faigā, who had passed away earlier in the year. But Ta'atiti served as a member of Parliament only six months, passing away on 7 June (SO, 13 Dec 2002; 11 Jun 2003). Ta'atiti had joined the Sāmoa National Development Party, the party of his predecessor. His absence leaves that party with eleven members in its caucus. Lepou II joined the Human Rights Protection Party, thereby retaining at thirty the number of members of Parliament in that party. The number of members in the United Independence Party remains at seven. Therefore, the Human Rights Protection Party's grip on power is still very strong (List of

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ASOFOU SO'Ō

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SO, *The Sāmoa Observer*

### WALLIS AND FUTUNA

In April 2002 the only Wallis and Futuna newspaper, *Te Fenua Fo'ou*, disappeared following a dispute between the customary chiefs of Wallis and the editorial director. A new weekly publication took over on 20 September 2002. *Fenua Magazine*, with the same format and columns as the preceding paper, now belongs to Samino Foloka, who works at the Department of Catholic Education of Wallis and Futuna. The editorial line has been completely changed to avoid the wrath of the great "chefferie" of Wallis. Leaders on the two islands remain very sensitive to articles published about Wallis and Futuna in the international press. An article called "A Wallis, l'ennui au bout du monde" (Wallis, boredom at the ends of the earth), published in the July 2002 edition of *National Geographic*, spurred a local photographer to apologize in *Fenua Magazine* for the inaccuracies of his Australian counterpart, Tim Georgeson, whom he had hosted on Wallis.

Custom is at the heart of life on Wallis and Futuna. On 21 November 2002, a new king of Alo (Futuna) was enthroned. Fifty-five-year-old Soane Patita Maituku has for the last ten years been a sacristan, a position



of respect and responsibility in the Catholic church. He has ten children, one of whom is a nun in Africa and was present at the event. The Kivalu Tisimasi Heafala, prime minister of Wallis, was deposed by the Lavelua on 18 January 2003. His successor, Kamaliele Muliloto, retired from the Department of Rural Economy, was installed in Kafilu two days later. On 30 May 2003, Patelisio Ikafolau, aged fifty-eight and retired from the health agency, was appointed Pului'uvea, that is, minister of the customary police of Wallis island, in his village Falaleu (Hahake district).

The general elections of June 2002 were invalidated because about a hundred voters had signed with a cross without a witness countersigning. By-elections were organized in March 2003. Three candidates were in contention: (1) the outgoing minister of Parliament whose election had been invalidated, Victor Brial, of Union pour un Mouvement Populaire (UMP), the majority party at the national level, formerly called the Union pour la Majorité Présidentielle (substitute for Patalione Kanimoa); (2) Penisio Tialetagi, unaffiliated (substitute for Mikaele Tui); and (3) Apeleto Likuvalu, affiliated with the left-wing UFDs party (substitute for Soakimi Polelei). Presenting the candidates, *Fenua Magazine* noted, "These candidates were not easy to contact, even for the local press that was supposed to represent them. Only Mr Likuvalu deigned to meet us for an interview that was very pleasant all the same. As for Victor Brial, he sent us a typed text presenting his programme. And nothing was heard from Mr Tialetagi for two weeks" (FM 25, 5). The first ballot, involving 9,925 registered

voters, resulted in 3,413 votes (46.9 percent) for Brial, 3,276 for Tialetagi, and 587 for Likuvalu, with the latter's votes bringing about the second ballot. After the first ballot, candidate Tialetagi declared, "I have no programme. You can't establish a programme when you are not an elected representative and you haven't got any money." His campaign manager, Soane Uhila, is a former local UMP executive. Brial emphasized the privileged relationship he has with the French president, Jacques Chirac. Between the two ballots, four Caledonians of the RCPR (the local section of the UMP)—member of Parliament and president of the local government Pierre Frogier, senator and president of the Territorial Assembly Simon Louekhote, Wallisian Corinne Fuluhea (from Païta), and local government member Atelemo Taofifenua (former elected representative and former Kivalu)—came to support "their candidate."

The second ballot took place on 23 March and Brial was reelected with 4,005 votes (52 percent), compared to 3,687 for Tialetagi. The voter turnout was 78 percent (7,749 people). Economic and social adviser K Gata petitioned for annulment, which was rejected in Paris by the Constitutional Council on 16 May 2003.

In Paris, on 19 December 2002, the Constitutional Council declared Mikaele Hoatau and Gaston Lutui (Front National), who had been candidates in the last territorial assembly election, ineligible to run again for one year because they had not presented their campaign accounts in the two months following the elections of June 2002. An inter-professional

chamber was created on 27 August 2002, consisting of twenty-four elected members representing every sector of the economy. Its first president was Silino Pilioko, who then resigned from the presidency of the Federation of Artisans and Small and Medium Businesses. Noëlla Taofifenua took his place on 24 October.

Financially, the 2000–2004 contract for development was completed in 2003 by a State-Territory development agreement. On 29 November 2002 the standing committee of the Territorial Assembly voted in a document named “Strategy for the Long-term Development of the Territory of the Wallis and Futuna Islands.” On 18 July 2002, the French Development Agency loaned the territory 360 million CFP over fifteen years to modernize the telephone network of the two islands, with the aim of increasing the number of subscribers from 1,700 (12 percent of the inhabitants—1,359 in Wallis and 368 in Futuna) to 2,400 in 2005. Overseas minister Brigitte Girardin, having visited Wallis (and Futuna) from 19 to 21 December, confirmed the State’s support of the long-lasting development plan proposed by the elected representatives. In return, she announced that they had to seriously consider setting up a direct taxation system.

On an administrative level, High Commissioner A Waquet left the archipelago on 17 August 2002 to be replaced by Christian Job on 17 September. In May 2003, Paulo Lape, deputy head of the Department of Financial Affairs, was appointed head of the Wallis and Futuna delegation in Paris.

Regarding the economy, in September 2002 the Territorial Assembly

chose Halalo, in the southeast of Wallis island, as the site for the future fishing port. The European Development Fund could finance the first infrastructures in 2004—a wharf and a freezing plant—to the amount of 120 million CFP. Fripac, a company that was important for a long time, filed for bankruptcy with 600 million CFP in outstanding debts. Consequently, the former shareholders sold their shares to an administrator from New Caledonia, Robert Zoller, who made twenty-two of the forty employees redundant, closed some of the branches (Maxi Nord, Maxi Sud, Brico Wallis), and established a sixteen-year recovery plan. In 2003, the bankruptcy investigation begun in New Caledonia against some of Fripac’s former shareholders seemed to indicate that the accounts had been falsified to allow two overdraft authorizations (at the Bank of Hawai’i) in 2001 for 210 million CFP each.

The first shopping complex in Wallis, Fenuarama, with twenty stores, opened for business in December 2002 at a cost of 650 million CFP. The only bank on the island, the Banque de Wallis et Futuna (a subsidiary of BNP, the French multinational bank), transferred its agency there and installed the first cash dispenser in the archipelago. Since January 2003, the Fenuarama mall has housed the first real bookshop in Wallis, the Librairie-Papeterie du Fenua, belonging to the Noumean company As de Trèfle.

Futuna is still uninvolved in big economic changes and a significant event in 2003 was the opening of a weekly agricultural market in Alo, thanks to the cooperative Laga Fenua, based in the village of Ono. A strike

disrupted post and telecommunications services from 5 March to 14 May 2003. The whole economy of Wallis and Futuna felt the effects of the absence of minimum service.

With regard to employment, the big problem remains the hiring of young people. Following a navy mission, three young Wallisians volunteered to join the army and went to Noumea for a three-week course on 16 October 2002. They were then to be posted to the Chaleix base (Noumea), or to ships of the French navy. Emigration is still a priority and the institution of the mobility passport by the overseas minister in September 2002 grants a free plane ticket to young people wishing to follow a course of study in France that is not available locally. At the same time, as every year, some three hundred grant holders between sixteen and twenty-four years of age took the plane to New Caledonia in February to begin various training courses, mainly in Catholic schools. Sport is another source of emigration. That is how Falakiko Tuhimutu, sixth-degree black belt, became a yi-king teacher and director of the social welfare centre of Bessancourt (Val d'Oise). *Fenua Magazine* highlighted the "matrimonial" immigration of the only Wallisian living in Sweden; aged 24, he lives in Falun with his wife and their two daughters.

Other events of note during the period under review: In October 2002 in Mata-Utu, a French-language regional seminar on diabetes brought together specialists from New Caledonia, French Polynesia, and Wallis and Futuna. Diabetes affects expatriate Wallisians to a much greater degree than those remaining in the islands.

A photographic publication entitled *Les perles bleues* (The Blue Pearls) went on sale for the 2002 holiday season. Susitina Moefana was elected Miss Hahake 2003 in December 2002. A former Wallisian soldier set up the first professional tattooing workshop; Marquesan (tiki) and Chinese (dragon) designs are currently the most popular. Music Day was celebrated on 21 June 2003 in Futuna, thanks to the Futunian Association for the Training of Holiday Camp Youth Leaders. In April 2003 sportsman Viane Hoatau, president of the Olympic Territorial Committee, was appointed head of the Wallis and Futuna delegation to the South Pacific Games, held in Suva in June–July, which involved eighty-nine people for a budget of 21 million CFP. On 28 April 2003 Futuna celebrated with dignity the bicentennial of the birth of Saint Pierre Chanel, patron saint of the Pacific Islands, in the presence of the archbishop of New Caledonia and the Apostolic Nuncio for the Pacific. Four Wallisian nuns have played a part in running the L'eau vive restaurant in Prague since early 2002.

In view of the great size of the Wallisian and Futunian community in New Caledonia, we now devote a few lines to it, as an adjunct to the annual political review on New Caledonia in the fall issue of this journal. One of the cofounders of the Rassemblement Démocratique Océanien (RDO), Aukusitino Manuohalalo, who was a local government advisor, was not reelected during the 2002 reshuffle. He resigned from the RDO in December because he had lost the support of his president, his party's interests were

not sufficiently taken into account by the Front de Libération Nationale Kanak Socialiste (FLNKS), and the Saint-Louis affair was unacceptable (see below). For him, “excluding the Wallisian and Futunian community Ave-Maria, is a little like ‘ethnic purification’” (*Le nouvel hebdo*, no 785). On 12 April 2003, Manuohalalo created the Mouvement des Citoyens Calédoniens in the presence of three hundred militants. The eleventh congress of the RDO (fourth constituent of the FLNKS), presided over by Aloisio Sako, took place on 15 February 2003. Sako was elected president for the ninth time and the new secretary general was Yvon Faua.

The sad affair of the Wallis and Futuna village Ave-Maria near the customary lands of Saint-Louis is still unresolved. At the time of the October 2002 agreement, the State undertook to suitably relocate the 171 Wallis and Futuna families counted there, as well as the 20 families that had left a short time before. The Southern Province helps all families that expressly apply to move. Each time a house is vacated, it is immediately demolished to avoid reoccupation by the people of Saint-Louis.

On 22 August 2002, Laurent Vili, the alleged perpetrator of the death of J M Goyeta, was arrested in Montpellier where he was a member of the rugby team. He was then transferred to New Caledonia’s prison where he is still locked up—in the isolation ward, because 80 percent of the inmates are Melanesians. A support committee created in April 2003 organized a march on 21 May to increase public awareness of his plight. It assembled 300 to 500 people, including Tino

Manuohalalo and Bernard Herpin (Front National). A counterdemonstration of about 80 people was held on the outskirts of the Saint-Louis tribe. On 28 May, the Chambre d’Instruction of the court of appeal of Noumea refused to release “Lolo,” arguing that he had initially admitted to having shot in J M Goyeta’s direction (before retracting his statement), and that the recent exhumation and autopsy of the deceased proved that the fatal bullet came from a weapon of the same caliber as his. The family of the accused reiterated that the Wallisians of Ave-Maria were the victims, that the house of Laurent Vili’s parents had been burnt down, that a lot of people had been shooting on that day with guns of all calibers, and that the murder of a young Futunian a few months later had not led to any arrests.

A new wave of violence hit Ave-Maria and Saint-Louis during the second half of June 2003, set off by the 25 June burning of a hut in Saint-Louis belonging to Livio Gnikekan. This Melanesian is currently in prison for having unintentionally killed one of his friends in April 2002. He had also injured army chaplain A Glantenet (serving as a priest in the diocese of Wallis and Futuna) and shot at the car of Saint-Louis’s chief, R Wamytan. After two young girls said they had seen Wallisians crossing the river a little earlier, some young Melanesians opened fire. That day, a Wallisian nun and a gendarme were injured when a Land Rover of the gendarmerie, taken for a target, overturned on the road leading up to the church. After being abandoned, the vehicle was set on fire. Then, two cars carrying inhabi-

tants of Ave-Maria drove around the road block set up by the gendarmerie. Two of the young Wallisians and a half-caste Kanak married to a Wallisian, who were on their way home, were then wounded by hunting rifle bullets shot by Kanak snipers lying in ambush. Since then, there has been heavy fire from time to time, likely intended to scare or prove determination rather than to wound. During every significant episode, the gendarmerie has used tear gas.

This new phase in the Saint-Louis affair seems to originate from discord within the Kanak community. Moreover, the chief of Saint-Louis, R Wamytan, declared that burning homes was a Melanesian custom. Laurent Vili's support committee asked for a relocation allowance of 8.5 billion CFP, that is, 50 million per family. The State considers that only decent rehousing is legitimate.

From Saturday to Sunday, 28–29 June, more than two hundred gunshots were fired, another house was burnt down, and a young Melanesian, Stéphane Gnibekan, received three bullet wounds. These new events took place mainly in the Saint-Louis tribe and apparently originated from conflict between the Wamytan and Moyate chiefdoms. According to *Les Nouvelles Calédoniennes* (30 Jun): "With each new atrocity, it is difficult to know if it arises out of an ethnic conflict or if it is a case of internal quarrelling in the Kanak world." At that time sixty-one families still

remained in Ave-Maria. Since these new confrontations, twenty-four families have taken refuge in the Mont-Dore sports hall.

In Noumea in September 2002, a street was named after a Wallisian (Palaseto Sako) killed in Sarajevo while he was a soldier in the FORPRONU. In December, Wallisian Soane Patita Takaniua exhibited his paintings in a Noumea art gallery before exporting his exhibition Mata Vai to Jakarta, then to Carcassonne. A dispute broke out in June 2003 between the aliki families of Hahake represented in New Caledonia. In fact on 25 May, Atelemo Taofifenua appointed his younger brother Paulo as his home faipule and pelecita of Hahake for emigrants. On 16 June, Alefosio Manuopuava was also appointed faipule of Hahake at the Wallisian common hall in Magenta; Tino Manuohalalo attended the second ceremony. A Futunian born in Bordeaux and living in Papeete was elected "Mister Tahiti 2002." In metropolitan France in 2002, Wallisian Moana Togavalevale became the first woman to join the marines.

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### References

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